

JAN 26 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

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Date:

By:

Walter P. Gagliardi, Registration No. 67136

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of

Steven M. Bessette

Atty. Ref.: 4380-123; Confirmation No. 3834

Appl. No. 09/633,621

Group: 1616

Filed: August 7, 2000

Examiner: PRYOR, Alton Nathaniel

For: **PESTICIDAL COMPOSITIONS CONTAINING PLANT ESSENTIAL OILS AGAINST
BEETLES**

* * * * *

TRANSMITTAL OF APPEAL BRIEF

Honorable Commissioner for Patents

Mail Stop Appeal Brief-Patents

Sir:

Submitted herewith is Appellant(s) Appeal Brief in support of the Notice of Appeal filed July 26, 2004 and an Amendment After Final Rejection. Please grant a four (4) month extension of time for entry of same. Please charge the Appeal Brief and

02/08/2005 RHARNON 00000002 141140 09633621
Extension of Time fees (small entity) to Deposit Account 14-1140.

01 FC:1254

1590.00 DA

To the extent necessary, please grant any further extension of time under 37 C.F.R.

1.136 deemed necessary. The Commissioner is hereby authorized to charge any deficiency

PAGE 2/13 * RCVD AT 02/08/2005 5:53:46 PM (Eastern Standard Time) * SVC:USPTO-EFIRF-1/2 * DMS:8729306 * CSD:7038164100 * DURATION (mm-ss):03-12

Adjustment date: 05/24/2005 SDIRETA1
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Date

By

Jan 26 2005
[Signature]
 Victor P. Godano, Registration No. 37,138

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
 BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of

Steven M. Bessette

Atty. Ref.: 4380-123; Confirmation No. 3834

Appl. No. 09/633,621

Group: 1616

Filed: August 7, 2000

Examiner: PRYOR, Alton Nathaniel

For: PESTICIDAL COMPOSITIONS CONTAINING PLANT ESSENTIAL OILS AGAINST
 BEETLES

APPEAL BRIEF

Honorable Commissioner for Patents
 Mail Stop Appeal Brief-Patents

Sir:

Appellant herein appeals from the Examiner's final rejection of the pending claims. Appeal is timely and proper pursuant to 37 CFR § 1.191(a). This Appeal Brief is submitted in support of the Notice of Appeal filed July 26, 2004. Appellant has concurrently filed an Amendment After Final Rejection in an effort to eliminate the issues on Appeal and advance prosecution.

/08/2005 RHARMON 00000001 141140 09633621

FC:1402 500.00 DA

820786

PAGE 4/13 * RCVD AT 1/26/2005 5:53:46 PM [Eastern Standard Time] * SVR:USPTO-EFAX-1/2 * DNS:2728386 * CSD:7038164100 * DURATION (mm:ss):03:12

Adjustment date: 05/24/2005 SDIRETA1
 02/08/2005 RHARMON 00000001 141140 09633621
 01 FC:1402 500.00 CR

05/24/2005 SDIRETA1 00000047 141140 09633621

02 FC:2402 250.00 DA

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Nixon & Vanderhye PC.
ATTORNEYS AT LAW

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FACSIMILE: (703) 816-4100
WRITER'S DIRECT DIAL NUMBER:
(703) 816-4057

FACSIMILE COVER SHEET
PLEASE DELIVER IMMEDIATELY!!!!

Our Ref.: 4380-123
Your Ref.: 09/633,621 Date: March 31, 2005

To: Director of the U.S. Patent & Trademark Office c/o Refunds
Branch

Firm: United States Patent & Trademark Office

Facsimile No.: 703-308-5077

From: Willem F. Gadiano

Number of Pages (including cover sheet): 6
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PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).

ewm

FACSIMILE OPERATOR

ATTACHMENT/S:

1. Request for Refund to Deposit Account;
2. Copy of 3/2/05 Deposit Account Statement (2 pages);
3. Copy of Transmittal of Appeal Brief (2 pages).

MESSAGE: PLEASE SEE ATTACHED.

CONFIDENTIALITY NOTE

The documents accompanying this facsimile transmission contain information belonging to Nixon & Vanderhye, which is confidential and/or legally privileged. This information is only intended for the use of the individual or entity named above. IF YOU ARE NOT THE NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR TAKING OF THIS INFORMATION FOR ANY USE WHATSOEVER IS STRICTLY PROHIBITED. If you have received this facsimile in error, please immediately contact us by telephone to arrange for return of the original documents to us.

Nixon & Vanderhye P.C.

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March 31, 2005

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VIA FACSIMILE**MAIL STOP 16**

Director of the U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Subject: **REQUEST FOR REFUND TO DEPOSIT ACCOUNT**
Deposit Account No. 14-1140
Statement Date: March 2, 2005
Date Posted: February 8, 2005
SEQ No.: 1 / 2
Fee Code: 1402 / 1254
USPTO Ref.: 09/633,621
Our Ref.: 4380-123

To whom it may concern:

Regarding the Monthly Statement of Deposit Account dated March 2, 2005, (copy attached), we believe there is a fee related error therein, which has resulted in a charge to our Deposit Account that appears to be unwarranted. Please refer to the following explanation and issue a refund as soon as possible.

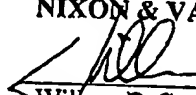
On the Transmittal of Appeal Brief that accompanied the Appeal Brief filed on January 26, 2005, (copy attached) we authorized the Small Entity Extension of Time fee and Small Entity Appeal fee to be charged to our Deposit Account No. 14-1140. The Four-Month Extension of Time fee and Appeal Fee were charged to our Deposit Account for the above-referenced application, however, the fees were incorrectly entered as "Large Entity" and a charges of \$1,590.00 (Fee Code: 1254) and \$500.00 (Fee Code: 1402) were assessed. The correct charge to the Deposit Account should be \$795.00 (Fee Code: 2254; Four-Month Extension of Time fee for "Small Entity") and \$250.00 (Fee Code: 2402; "Small Entity" fee for Filing a Brief in Support of an Appeal). A prompt refund is respectfully requested in the amount of \$1,045.00.

Thank you for your time and assistance, and if you have any questions, please do not hesitate to call me at the above number.

Very truly yours,

NIXON & VANDERHYE P.C.

By:


Willem F. Gadiano

WFG:ewm
Enclosures

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Deposit Account Statement



United States
Patent and
Trademark Office

Deposit Account Statement

Requested Statement Month:

February 2005

Deposit Account Number:

141140

Name:

NIXON & VANDERHYE P.C.

Attention:

LENARD MITCHARD

Address:

1100 N GLEBE ROAD

City:

ARLINGTON

State:

VA

Zip:

22201-4714

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01	2	09899303	2551-109 BJS	1253	\$1,020.00	\$35,388.98
02/01	60	2886790	4014-47 FPP	6212	\$100.00	\$35,288.98
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